

APPLICATION (Revised December 2008)
SEVENTY-FIRST CIRCUIT JUDICIAL COMMISSION
CIRCUIT JUDGE

ALL INFORMATION CONTAINED HEREIN AND ALL ANSWERS TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE APPLICANT IS NOMINEE.

NAME: Joseph L. Walsh, III

1. State your present principal occupation: **Attorney at law**
2. Are you at least 30 years of age? **Yes**
3. (a) How long have you been a citizen of the United States? **Since birth**
(b) Have you been a resident of St. Louis County for at least one year immediately prior to the date of this application? **Yes**
(c) How long have you been a qualified voter of Missouri? **Since 18 years old**

4. Are you licensed to practice law in Missouri? **Yes**

List any other states, courts, or agencies in which you are licensed as an attorney: **Texas**

5. State the date you were admitted to the Bar in Missouri? **1986**

Missouri Bar Number: **35969**

(In completing items 6 and 7, please account for all time periods between post-high school education and the date of this application.)

6. State the name and address of all colleges and universities you have attended, together with the dates and degrees received:

St. Mary's University School of Law, San Antonio, Texas J.D., May 1984; 25/150
Kenrick School of Theology, St. Louis, Missouri, 1980-81 (philosophy and theology)
St. Louis University, Missouri, 1979 (completed 12 hours in Biology)
Loras College, Dubuque, Iowa, B.S. cum laude, 1977

7. State, in chronological order, your entire working career, including non-legal employment, if

any. Include the name and address of each firm, corporation, partnership, or governmental body with which you have been associated, and the dates thereof. (Start with earliest date, conclude with present.)

*Alton & Southern Railroad
East St. Louis, IL*

*summer 1973 worked as signalman
in hump yard*

Missouri Pacific Railroad

*Summer 1974 worked laying track
at yard in Dupo, IL*

*St. Mary's Health Center
6420 Clayton Rd.
Richmond Heights, MO 63117*

*5-12, 1975 worked as Nurse's
Aide/Orderly*

*E.M. Harris Construction Company
(business)*

5/77- 8/80 (no longer in

*business)
Managed construction trades in the performance of warranty repairs to new homes
after purchase.*

*U.S. District Court, Western District of Texas - 1984
Academic Clerkship for the Honorable H. F. Garcia*

*Chamberlain, Hrdlicka, White
Johnson & Williams
1200 Smith Street
Houston, TX 77002-4496*

*5/84 - 2/86
Attorney handling commercial
and securities litigation*

*Haley, Fredrickson & Walsh
St. Louis, MO*

*3/86 - 1/88 (firm of my late father
who died 2/7/86; no longer in
business)
Attorney handling general civil
trials and appeals*

*Gray & Ritter, P.C.
701 Market, 8th Flr.
St. Louis, MO 63101*

*2/88 - 7/95
Attorney handling general civil
trials and appeals*

*Joseph L. Walsh, P.C.
4399 Laclede Ave.
St. Louis, MO 63108*

*8/1/95 - present
Sole practitioner handling general
civil trials and appeals*

(314) 535-5500

(314) 531-1131 fax

E-Mail jlwatty@swbell.net

www.josephlwalshlaw.com-- website

AV Rated Preeminent Law Firm rating by Martindale-Hubbell since 1999.

Municipal Judge, Creve Coeur, MO

9/2003-present

Municipal Judge, Frontenac, MO

2000-2001

8. If you are presently an associate circuit judge and have served for two years or longer, attach a list of ten significant cases over which you presided to completion. Set forth the style, cause number, date and name and current address of the primary attorneys participating in each case, identifying the party each attorney represented. Indicate whether bench or jury tried and give a one to three sentence description of each case and its outcome. **NA**
 - (b) In addition, you may attach a list of cases you tried as an attorney in the last five years before becoming a judge. Set forth the style, cause number, date and jurisdiction and identify who you represented, whether you were first or second chair and the name and address of opposing counsel. State for each case whether bench or jury tried and give a one to three sentence description of each case and its outcome.
9. Are you able, with or without a reasonable accommodation, to perform the essential functions of a judge including the ability to preside over trials, perform legal research, attend court anywhere in the state, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court? **Yes**
10. If you have never served as an associate circuit judge or have served for fewer than two years, attach a list of cases you have tried in the last five years. Set forth the style, cause number, date, and court, and identify who you represented, whether you were first or second chair, and the name and address of opposing counsel. Indicate for each case whether bench or jury tried and provide a one to three sentence description of each case and its outcome. If, during any of the last five years, you served as a commissioner or in any other judicial capacity, set forth the dates of same and a description of the duties performed. **See attached**
11. Have you briefed or argued any case in an appellate court? **Yes**
If yes, attach a list showing the citation for each case and describe the extent of your participation in briefing and arguing the case. **See attached**
12. Set forth any additional information that demonstrates the quality of your legal work as an attorney. **Will provide copies of briefs submitted to appellate courts upon request**
13. Have you ever been convicted of a misdemeanor or felony? **No**

If yes, provide details, including the style of the case, cause number, name of the jurisdiction, and date of conviction:

14. Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem or defendant ad litem? **No**

If yes, provide details, including the style of the case, cause number, name of the jurisdiction and the approximate year in which such litigation was commenced and in which it was terminated:

15. Have you ever been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof? **No**

If yes, provide details:

16. Have you ever been held in contempt of court? **No**

If yes, provide details:

17. If you are or were a member of the Judiciary of the State of Missouri, please state:

- (a) Whether an order of reprimand, removal, retirement, suspension or other disciplinary action has ever been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct?

If yes, state the nature of such breach, the date discipline was imposed and the exact nature and duration of the discipline imposed: **No**

- (b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary. **No**

If yes, provide details including date the order was entered, the date of your consent, and a description of the conduct you were ordered to cease and desist:

- (c) Whether, to your knowledge, you have been a subject of a complaint and investigation by the Commission on Retirement, Removal and Discipline, which did not result in any action by the Commission? If yes, provide details: **No**

18. To your knowledge, have you been investigated by a court or by any bar association or committee thereof for breach of ethics or professional conduct? **Yes**

If yes, provide details:

In 2006 a physician named as a defendant in a medical negligence claim filed a complaint against the undersigned because the suit was dismissed without prejudice to refiling. The suit was filed on 8/26/05, 2 days before the medical negligence laws changed, in order to preserve the minor's rights under the more favorable law. The

complaint was dismissed by the disciplinary committee on June 16, 2007 with no disciplinary action.

In approximately 1989, a client filed a complaint against the undersigned because she had not received her court cost refund from the Clerk of the St. Louis City Circuit Court in what she believed to be a reasonable time. The claim was summarily dismissed with no disciplinary action.

19. List all bar associations and other professional societies, of which you are a member, with any offices held and dates:

U.S. Supreme Court - 1991

U.S. Court of Appeals, 8th Circuit - 1989

U.S. District Court, Eastern District of Missouri - 1989

Certified as a Court-Approved Mediator by court order dated 8/30/99

State of Missouri - 1986

Qualified Mediator pursuant to State Rule of Civil Procedure 17 6/29/99

U.S. District Court, Southern District of Texas - 1985

State of Texas - 1984

American Board of Trial Advocates

American Association of Justice

Missouri Association of Trial Lawyers

Bar Association of Metropolitan St. Louis (Investigator/Arbitrator Fee Dispute Resolution Committee 1991-2006)

Lawyers' Association of St. Louis

20. Describe your community activities, including any organizations, not listed above, with which you are affiliated:

Pro Bono Legal Service

St. Patrick Center, 1200 N. Sixth St., St. Louis, Missouri; 1992 - 2000

Providing Legal Services and Counseling for Indigent and Homeless Clients

Guardian Angel Settlement, 1401 LaSalle St., St. Louis, MO 1995- 2006

Providing Legal Services and Counseling for Indigent Clients

Professional Presentations- Continuing Legal Education Seminars

Judges' View of Trial Advocacy: Panel Participant - Sponsored by BAMSL 10/92

Trying the Soft Tissue Injury Case in Missouri - Sponsored by National Business Institute 9/97 & 99

Fee Dispute Resolution, The Missouri Bar 3/00

Uninsured/Underinsured Motorist Law - Sponsored by National Business Institute 2000, '01, '02, '03, 07 and 08

Litigating to Win Through Advanced Trial Advocacy - Sponsored by National Business Institute 2006

*Insurance Policy Interpretation: Nuances That Impact Your Case - Sponsored by
National Business Institute 5/08
Uninsured and Underinsured Motorist Issues for the General Practitioner
Washington University Law School Alternative Dispute Resolution Program
and United States Arbitration & Mediation Midwest, Inc. 2/09*

*Catholic Leadership Development, St. Louis Archdiocesan 3 Year Program, 1995-1998
Senior Associate Editor, Law Journal of St. Mary's University School of Law 1983-
84*

*Staff Member and Associate Editor, Law Journal 1982-83
President, Phi Delta Phi Professional Legal Fraternity - 1984
National Order of Barristers - 1984*

*Holly Hills Neighborhood Association, South St. Louis, Missouri 1991-93
President, Our Lady of the Pillar Men's Club 1999-2000; V.P. 1998-1999; Sect. 1997
Director of Adult Religious Education, Our Lady of the Pillar 1998- 2001
Creve Coeur Squires 2009 to present*

21. Do you now hold or have you ever held any elective or appointive public office or position?
None other than municipal judge

If yes, provide details:

| | |
|---|--|
| <i>Municipal Judge, Creve Coeur, MO</i> | <i>9/2003-present appointed by Mayor for two 4 year terms</i> |
| <i>Municipal Judge, Frontenac, MO</i> | <i>2000-2001 appointed by Mayor to complete remainder of term of judge elevated to Circuit Court Bench</i> |

22. Provide the branches and dates of (a) military service, or (b) other public service, not otherwise covered in this application. If discharged from the military, was the discharge other than honorable? If military service continues, so state: **N/A**

23. List any professional articles or books which have been published or any special recognition or award of a professional nature which you have received:

*Author: Demonstrative Evidence, St. Louis Lawyer, November 1992
Co-Author: MoBar CLE Tort Law Handbook, 2d Edition
Chapter I, Introduction and Overview (1990, 1993 & 2006 Supp.)*

24. Furnish the names and addresses, including zip codes and telephone numbers of not more than five persons, who are not judges, as references with respect to your judicial qualifications:

**Dennis L. Beckley, City of Creve Coeur Prosecuting Attorney, 401 Chez Paree Drive,
Hazelwood, MO 63042; (314)838-2800**

Denis Burns, Burns, Vandover & Godfrey, P.C., 21st Floor, 720 Olive Street, St. Louis, MO 63101 ; (314) 421-1857

Paul C. Hetterman, Bartley Goffstein, L.L.C. , 4399 Laclede Avenue , Saint Louis, MO 63108-2248 ; (314) 531-1054

Mark R. Bahn, McAvoy & Bahn, 330 Water Street, Fenton, MO 63026-4116; (636) 343-9753

Rev. James M. Tobin, S.M., Pastor of Our Lady of the Pillar Catholic Church, 401 South Lindbergh Boulevard, St Louis, MO 63131-2729; (314) 993-3353

25. State any additional data you deem relevant:

Of all the legal matters that I have had the privilege of being involved in, I am most proud of the pro bono work that I have performed. Of note are 2 cases that I believe worth mentioning because they had an impact beyond the litigants involved.

The first involved a man who was represented by a lawyer that had been disbarred. The lawyer had forged the client's name to a 50% contingent fee contract and wrongly withheld 50% of the personal injury recovery that he obtained on behalf of his client. I represented the individual in a fee dispute matter established by the Bar Association of Metropolitan St. Louis against the disbarred attorney and presented evidence from a handwriting expert to establish that the client signature on the 50% contract was a forgery. The disbarred attorney refused to cooperate in the fee dispute resolution process or to comply with the arbitration award that had been rendered, despite signing an agreement to participate and be bound by the process. Ultimately, I filed a claim with the Missouri Bar seeking compensation from the IOLTA funds for the individual and he received a significant portion of the recovery that the disbarred lawyer wrongfully withheld from the client's recovery. A committee of the Missouri Bar held a hearing where I presented the evidence and the individual was provided an opportunity to be heard. At the end of the process, the individual was convinced that the Missouri Bar was composed of lawyers who genuinely sought to correct the injustices perpetrated by a dishonest attorney and provided him with some means of financial redress. He assured me that his faith in attorneys was restored by this experience.

The second involved a woman who was the grandmother of a boy who had severe developmental disabilities because his birth mother used crack cocaine during her pregnancy. When the child was 8 years old the birth mother sought to take custody of the child because she became employed and the State of Missouri began collecting child support from her pay checks. The grandmother had cared for the child since birth and did not want to relinquish custody because she was justifiably concerned that it was not in the best interest of the child to live with the birth mother. Moreover, the child did not want to leave the grandmother as he did not even know his birth mother. The birth mother refused to accept a proposed visitation schedule and sought to forcibly remove the child from the

home of the grandmother. I represented the grandmother in a court proceeding that ultimately awarded the grandmother right to maintain custody of her grandchild.

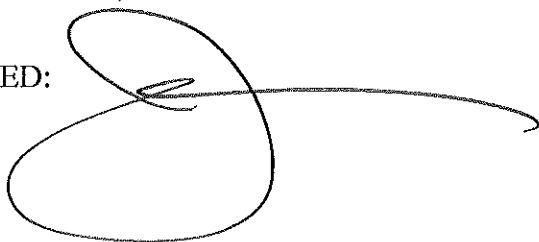
By my signature to this application, I authorize: (1) the Commission by its chairperson to obtain relevant information, including but not limited to documents, records and files with respect to my medical, police or disciplinary records, and (2) the Commission and its members to obtain additional relevant information regarding my qualifications as well as the accuracy of my responses to the questions on this application, with the understanding that the information described in (1) and (2) above is available only to the members of the Twenty-First Circuit Judicial Commission. Notwithstanding the above, in accordance with Supreme Court Rule 10, as amended effective February 29, 2008, if I am one of the three nominees listed on the certificate of nomination sent to the Governor, I authorize the Commission to send a complete copy of this application to the Governor and publicly release a copy of the application with personal and confidential information redacted as identified on the cover page of this application.

I hereby certify that all my statements as made above are correct and that if I am appointed to the office of Circuit Judge of the Circuit Court of St. Louis County, I will accept the appointment, qualify, and promptly enter upon the performance of the duties of that office.

DATE:

2/27/10

SIGNED:

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal stroke extending to the right.

LIST OF APPELLATE CASES

Diener v. Life Ins. Co. of North America, 2009 WL 4927278 (E.D.Mo. Dec 16, 2009)
Pending ERISA claim- briefed and argued Motion for Summary Judgment

Carr v. Holt, 134 S.W.3d 647 (Mo.App. E.D. Mar 02, 2004)
Briefed and argued

Mitchell v. Schnucks Markets, Inc., 100 S.W.3d 109 (Mo.App. E.D. Sep 17, 2002)
Briefed and argued

Leonard v. Bearcat Corp., 2002 WL 34532924 (E.D.Mo. Aug 20, 2002)
Jury Trial of premises liability action

Spann ex rel. Spann v. Jackson, 84 S.W.3d 478 (Mo.App. E.D. Jul 23, 2002)
Briefed and argued

Riehn v. Missouri State Treasurer, 22 S.W.3d 246 (Mo.App. E.D. Jul 18, 2000)
Briefed and argued

Dean v. St. Anthony's Medical Center, 978 S.W.2d 423 (Mo.App. E.D. Aug 11, 1998)
Briefed and argued

St. Paul Fire & Marine Ins. Co. v. Schrum, 149 F.3d 878 (8th Cir.(Mo.) Jul 23, 1998)
Briefed and argued

Riley v. Union Pacific R.R., 904 S.W.2d 437 (Mo.App. W.D. Jun 27, 1995)
Briefed and argued

State Farm Mut. Auto. Ins. Co. v. Butler, 904 S.W.2d 350 (Mo.App. E.D. Jun 13, 1995)
Briefed and argued

Savant v. Lincoln Engineering, 899 S.W.2d 120 (Mo.App. E.D. Apr 11, 1995)
Briefed and argued

Stewart v. Alton and Southern Ry. Co., 849 S.W.2d 119 (Mo.App. E.D. Feb 02, 1993)
Briefed and argued

Anglim v. Missouri Pacific R. Co., 1991 WL 113978 (Mo.App. E.D. Jun 28, 1991)

Anglim v. Missouri Pacific R. Co., 832 S.W.2d 298 (Mo. Jun 30, 1992)
Briefed and argued in court of appeals; briefed in Missouri Supreme Court

Team, Inc. v. Schlette, 814 S.W.2d 12 (Mo.App. E.D. Aug 20, 1991)
Briefed and argued

Smith v. Jones, 923 F.2d 588 (8th Cir.(Mo.) Jan 10, 1991)
Briefed and argued

List of Jury Cases Tried

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| Hauer v. SSW Ry. Cause No. 872-351 | St. Louis City Circuit Court |
| Schaeffer v. Cradden Cause No. 560299 | St. Louis County Circuit Court |
| Lewis v. State Farm Cause No. 872-6807 | St. Louis City |
| Stewart v. A&S Rwy Cause No. 892-8788 | St. Louis City |
| *Cordell v. KATY Rwy Cause No. 882-5475 | St. Louis City |
| *Miller v. UPRR Cause No. 892-01571 | St. Louis City |
| **Anglim v. UPRR Cause No. 872-1007 | St. Louis City |
| Siatos v. A&S Rwy. CauseNo. 892-3071 | St. Louis City |
| States v. Central Glass Cause No. 892-2236 | St. Louis City |
| Richey v. Walz Cause No. 616051 | St. Louis County |
| Riley v. UPRR Cause No. CV92-2820 | Jackson County, MO |
| Savant v. Lincoln Engineering Cause No. 914-1485 | St. Louis City |
| Callahan v. Casanova Cause No. 647007 | St. Louis County |
| * Goode v. Carr and Missouri Highway Department Cause No. CV 19091CC | Cole County, MO |
| Hellmann v. Droeges Cause No. CV192-42200 | Franklin County, MO |
| Dean v. St. Anthony's Medical Center Cause No. 655236 | St. Louis County |
| Bresnahan v. Cooke Cause No. 98CC-1514 | St. Louis County |
| Hawkins v. Belmessieri Cause No. 972-8455 | St. Louis City |
| Jennemann v. Holt Cause No. 96CC018 | St. Louis County |
| Connour v. Hinrichs Cause No. 972-1606 | St. Louis City |
| Cantrell v. Wal-Mart Cause No. 98CV1604 | US District Ct., Eastern Dist. MO |
| Petratis v. American Golf Corp. Cause No. 992-0053 | St. Louis City |
| Spann v. Jackson Cause No. 982-09943 | St. Louis City |
| Mitchell v. Schnucks Cause No. 992-1323 | St. Louis City |
| Simpson v. Andrews Cause No. 99CC2290 | St. Louis County |

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| Leek v. Allred Cause No. 992-8391 | St. Louis City |
| Leonard v. Bearcat Corp. 4:01CV00608ERW | US District Ct., Eastern Dist. MO |
| Berger v. Shyrock Cause No. 01CV 125599 | St. Charles County Circuit Court |
| Valdez v. Alford Cause No.: 012-8388 | St. Louis City |
| Wheeler v. Jefferson; Cause No. 992-01673 | St. Louis City |
| McBee v. SSM Health Care St. Louis dba St. Mary's Health Center Cause No. 04CC-918 | St. Louis County Judge Cohen |
| *Wells v. Sterling Properties No. Cause No. 042-00200 | St. Louis City Judge Michael David |
| Tinnia Moore v. Tennille Tressner; Case No. 03CV612868 | Circuit Court of St. Francois County, At Farmington, MO Judge Kelly |
| Hayes v. Koch Cause No. 042-00015 | St. Louis City Judge Dierker |

* Picked Jury and then settled case before verdict

** Tried with co-counsel for plaintiff

All the rest of the cases tried first chair (sole attorney) to verdict

Cases Tried in Last 5 Years

LaDonna McBee v. SSM Health Care dba St. Mary's Health Center; Cause No. 04CC918; 6/1/05; St. Louis County Circuit Court.

I represented the plaintiff as the sole attorney. Michael Hughes, of the firm Armstrong Teasdale, 1 Metropolitan Square, St. Louis, MO 63102, (800) 243-5070 represented the defendant. Case was tried to a jury. Plaintiff accompanied a relative to the Emergency Room at St. Mary's Health Center. As she attempted to sit on a chair/stool with wheels, it unexpectedly rolled out from underneath her, causing her to fall and sustain injuries to her wrist requiring surgery. Plaintiff alleged Defendant was negligent in placing a non-stationary chair in an area where patients and their relatives would sit. Defendant maintained that emergency room treatment area was reasonably safe even with a stool that had wheels on it, and such stools are used in emergency rooms and doctor's offices in St. Louis and around the country. Jury returned a verdict in favor of Defendant.

Donna Hayes v. Laura Koch; Cause No. 042-00015; 2/7/06; St. Louis City Circuit Court.

I represented the plaintiff as the sole attorney. Eric Gustafson, of Hartstein & Bleisch, 130 South Bemiston Suite 608, Saint Louis, Missouri 63105; (314)862-2220 represented the defendant. Case was tried to a jury. Plaintiff was westbound on Hwy. 40 at 30 mph in icy conditions when Defendant collided with the rear of her vehicle, pushing it from the middle lane into the median guardrail. Plaintiff alleged Defendant was traveling too fast for the road conditions. Defendant claimed that plaintiff switched lanes when it was

not safe to do so, thereby causing the collision. Jury returned a verdict fin the amount of \$3,797.87 with 50% comparative fault assessed to plaintiff.

James W. Nelson, Employee, v. TNI USA., Employer and Liberty Mutual Fire Ins. Co., Insurer; Injury No.: 03-057614; 3/19/06; Department Of Labor And Industrial Relations, Division Of Worker's Compensation Joplin, State Of Missouri. I represented the employee. Mr. James K. Blickhan, was the Attorney for the Employer, 9200 Ward Parkway, Ste. 300, Kansas City, MO 64114 James.Blickhan@LibertyMutual.com and Ms. Christina Hammers, Assistant Atty. General, 149 Park Central Sq., Ste. 1017, Springfield, MO 65806 Christina.Hammers@ago.mo.gov was Attorney for the Second Injury Fund. Case was tried to Administrative Law Judge Tim Wilson who awarded Employee Permanent and Total Disability Benefits.